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*Proposed Attorneys for Albert Togut, Not Individually
but Solely in his Capacity as Chapter 7 Interim Trustee*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In the Matter	:	Chapter 7
	:	Case No. 21-10699 (DSJ)
-of-	:	
	:	
KOSSOFF PLLC,	:	
	:	
Debtor.	:	
	:	
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**APPLICATION FOR ORDER AUTHORIZING THE CHAPTER 7 INTERIM
TRUSTEE TO RETAIN TOGUT, SEGAL & SEGAL LLP AS HIS ATTORNEYS**

TO THE HONORABLE DAVID S. JONES,
UNITED STATES BANKRUPTCY JUDGE:

ALBERT TOGUT, not individually but solely in his capacity as the Chapter 7 Interim trustee (“Applicant” or the “Trustee”) of the estate of Kossoff PLLC (the “Debtor”), hereby makes this application (the “Application”) for an order authorizing his retention of Togut, Segal & Segal LLP (the “Togut Firm”) as his attorneys, and respectfully shows this Honorable Court that:

BACKGROUND

1. This case began on April 13, 2021 (the “Petition Date”) when creditors of the Debtor filed an involuntary petition (the “Petition”) for relief under Chapter 7 of the Bankruptcy Code against the Debtor in this Court.

2. On May 11, 2021, this Court entered the *Order for Relief and Order to File Schedules and Other Documents* [Docket No. 14] (the “Order for Relief”). The Order for Relief directs the Debtor to file “all schedules, statements, lists and other documents that are required under the Federal and Local Rules of Bankruptcy Procedure” (the “Schedules”) no later than May 25, 2021.

3. On May 12, 2021, Applicant was appointed as the Chapter 7 Interim Trustee of the Debtor, accepted his appointment, and duly qualified.

4. Upon information and belief, prior to the Petition Date, the Debtor operated as a law firm with offices located at 217 Broadway, New York, NY 10007.

5. The Debtor has not yet filed any of the Schedules. However, the Trustee understands that transfers may have been made by the Debtor prior to the Petition Date that may be avoidable and recoverable, and that other claims may exist in favor of the Debtor’s estate.

6. Consequently, the Trustee seeks authorization to retain the Togut Firm to assist in the administration of this estate including, without limitation, to liquidate the Debtor’s assets and other property of the estate, to investigate and prosecute avoidance and other actions, if any, and to review claims filed in this case.

RELIEF REQUESTED

7. The Trustee seeks entry of an Order, pursuant to section 327 of the Bankruptcy Code, Rule 2014 of the Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rule 2014-1, authorizing him to retain the Togut Firm as his attorneys in this case, as of the date hereof.

8. The Trustee respectfully submits that the retention of the Togut Firm under the terms described herein is appropriate under Bankruptcy Code section 327, which empowers the Trustee, with the Court’s approval, to employ attorneys “that

do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under this title."

9. The attorneys employed by the Togut Firm are duly admitted to practice before this Court and in the State of New York, and are "disinterested persons" as that term is defined in section 101(14) of the Bankruptcy Code, and are qualified to act as attorneys in the above-mentioned matters, all as more particularly set forth in the annexed Affidavit of Neil Berger, a member of the Togut Firm.

10. Applicant has selected the Togut Firm because the firm's practice is highly specialized and is limited, almost exclusively, to matters pending in the Bankruptcy Court. The Togut Firm has considerable experience in matters of this nature and has acted in a professional capacity in numerous Chapter 7 cases, representing the interests of trustees, as well as individual secured and unsecured creditors.

11. Significantly, the Togut Firm has extensive experience in matters in the Bankruptcy Court involving law firm debtors. For example, the Togut Firm served as bankruptcy counsel to the debtor in *In re Dewy & Leboeuf LLP*, Case No. 12-12321 (MG). The Togut Firm also represented Applicant as he served as the Chapter 11 trustee and the post-confirmation fiduciary in *In re Finley, Kumble, & Wagner, et al.*, Case No. 88-10377 (PCB); *In re Bower & Gardner*, Case No. 94-44743 (JMP); and *In re Shea & Gould*, 95-45978 (JLG). In addition, the Togut Firm represented Applicant in his capacity as Chapter 7 trustee in *In re Berger Steingut & Stern*, Case No. 95-41198 (BRL).

12. Professional legal services required on behalf of the Trustee and the estate include, but are not limited to (the "Services"):

- a. assisting the Trustee to identify, marshal and liquidate the Debtor's assets;
- b. investigating the financial affairs of the Debtor and initiating appropriate avoidance and other claims in favor of the Debtor's estate;
- c. commencing contested matters, where necessary, to avoid and recover transfers that were made by the Debtor prior to the Petition Date; and
- d. initiating and litigating claim objections where a purpose would be served.

13. The Togut Firm shall be employed under a general retainer. The rates to be charged will be the standard billing rates charged by the Togut Firm for rendering similar services in bankruptcy cases, such as the Debtor's case. The billing rates of the Togut Firm currently range from \$195 to \$1,270 per hour. Specifically, the hourly rates that the Togut Firm charges its clients range from: \$890 to \$1,270 for partners; \$795 to \$975 for counsel; \$435 to \$830 for associates, and \$195 to \$400 for legal assistants and support staff. The Togut Firm's rates are adjusted in January of each year. Additionally, the Togut Firm will seek reimbursement for actual and necessary out-of-pocket expenses incurred in connection with the retention of its professional services.

14. The Togut Firm has agreed that all compensation to be received from the estate shall only be pursuant to written application in accordance with sections 330 and 331 of the Bankruptcy Code and shall be subject to further Order(s) of this Court.

15. The Trustee requested that the Togut Firm begin to provide legal services on May 12, 2021, the date of the Trustee's appointment, to, among other things, explain the Trustee's rights and obligations to litigation claimants, the Debtor's landlord and counsel for other parties in interest, and to review and analyze various pleadings

concerning claims against the Debtor. As a result, Applicant respectfully requests that the retention of the Togut Firm be effective as of May 12, 2021.

16. Notice of the pre-fixed order has been given pursuant to Local Bankruptcy Rule 9074-1(b).

17. No previous application for the relief sought herein has been made to this or any other Court.

WHEREFORE, Applicant respectfully requests that he be authorized to employ the Togut Firm as his attorneys in this case, and that such other and further relief be granted as is just and proper.

DATED: New York, New York
May 28, 2021

/s/ Neil Berger
ALBERT TOGUT
*Not Individually but Solely in his Capacity
as the Chapter 7 Interim Trustee*
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